

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: HAEBERLE ET AL.

Appl. No.: 10/629,229

Title: METHOD AND SYSTEM FOR OBTAINING
SERVICE INFORMATION ABOUT A
BUILDING SITE

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Examiner: CUMARASEGARAN, VERN

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW ACCOMPANYING
A FORM PTO/SB/33 AND A FORM PTO/SB/31**

Sir:

This Request is submitted in response to the clear errors and/or omissions of one or more essential elements necessary to establish the *prima facie* obviousness rejection(s) relied upon and maintained in the pending final Office Action mailed on August 1, 2008 and the Advisory Action mailed October 28, 2008.

This Request is submitted with a petition for a three (3) month extension of time, authorization to charge \$1110.00 for the fee set forth under 37 C.F.R. §1.17(a)(3), a Notice of Appeal (PTO/SB/31); a Pre-Appeal Brief Request for Review (PTO/SB/33) and authorization to charge \$540.00 for the fee required under 37 C.F.R. §41.20(b)(1), and a certificate of electronic filing in compliance with 37 C.F.R. §1.8 on or before the period for reply set to expire on **February 1, 2009**. Thus, this Request is timely filed.

While Applicants believe that no additional fees are due in connection with this application, Applicants direct the Office to charge **Deposit Account No. 23-1925 (12468-00095)** for any fees deemed owed during the pendency of this application, excluding the issue fee.

At the time of this Request, claims 10 to 34 remain pending and at issue with claims 10 to 34 under 35 U.S.C. §103(a) having been rejected as obvious over U.S. Patent No. 7,143,048 to Ruben et al. ("Ruben") in view of U.S. Patent Application Publication No. 2002/0062218 to Pianin ("Pianin").

As an initial matter, Applicants maintain and continue to traverse the rejection of claims 10 to 34 as obvious over the combination of *Ruben* and *Pianin* because the combination clearly fails to disclose each and every element recited in the claims. Thus, the relied upon combination fails to establish a *prima facie* case of obviousness. In particular, independent claims 10, 18 and 27 generally recite, in relevant part, a computer implemented method and a system for providing service information about a plurality of building site that includes a web portal comprising a database for storing service information about a plurality of building sites, and receiving at said web portable a request from one or more clients for information for a plurality of building sites. Stated another way, the computer implemented method and system of:

[t]he present invention provides a customer web portal (CWP) enables external users to access reports or other summaries that may be generated by applications operating on the data mart. This Web access enables data mining applications and the historical database to be maintained **at a common site rather than requiring every building site to have its own database and data mining applications**. At the same time, the present invention will allow users to access their service information, enable them to place online service requests, access work orders, service histories and service contract details. The present invention will allow users oversee service activities more efficiently. The CWP 48 also offers resources such as user forums and email. See paragraph [0068] of the as-published application. *Emphasis added*.

Thus, the customer web portal of the present disclosure provides a single, unitary website at which information for **multiple** property locations can be accessed by the external users. The Advisory Action alleges that the claims do not recite a single, unitary website; however the claims do recite **a** web portal as opposed to a plurality of web portals or one or more web portals. In other words, the use of a singular pronoun does clearly convey that the limitation is directed to one web portal. The

allegation set forth in the Advisory Action is clearly without merit because it assumes that the limitation of a web portal is interchangeable with the limitation of a plurality of web portals.

Ruben, contrary to the relied upon characterization set forth in the final Office Action on page 2, line 23 to page 3, line 3, does not disclose a web portal comprising a database for storing service information about a plurality of building sites. Rather, *Ruben* simply discloses a system for managing real estate in which:

[c]ommunication capability is provided, preferably over the Internet, between the users of the owner entity, property manager entity, if applicable, tenant entity and vendor entity to manage and provide services for the property. **Each property is assigned a domain name** and a property owner can manage and obtain information for one or more properties that it owns. *See Rubin* at Abstract. *Emphasis added.*

Each individual property is assigned a domain name and each property is, in turn, individually accessed through its unique domain name via the Internet. In other words, each real estate property has a web page assigned to it that allows property owners to obtain information about **that** property through **its specific web page**. The Office Action alleges that the "Internet" discussed and disclosed in the Abstract of *Rubin* is synonymous with the customer web portal recited in the claims at issue. However, it is clear within *Ruben* and the present disclosure, that the Internet is simply one of the means through which the multiple web pages of *Ruben* and the claimed customer web portal may be accessed by the user. Thus, the relied upon characterization set forth in the Office Action is clearly incorrect.

Moreover, *Ruben* does not disclose receiving at said web portal a request from one or more clients for information for a plurality of building sites. *Ruben* discloses that a user accesses each property individually through its unique domain name via the Internet. In other words, users do not interact with the main web page as alleged by the Advisory Action; users interact with the individual web pages assigned to each property. Thus, the Advisory Action confuses the system utilized to create the individual web pages with the individual web pages themselves. Furthermore, the individual web pages do not receive a request from one or more clients for information for **a plurality of building sites**; rather, the individual web

page may receive a request for a **single building site** represented by the individual web page.

Pianin does not disclose the teaching missing from *Ruben*. *Pianin* is simply a website to assist real estate agents in performing due diligence work such as property appraisals on a building being sold, rented or otherwise contracted. *Pianin* does not disclose a computer implemented method and system for providing service information about a plurality of building site that includes a web portal comprising a database for storing service information about a plurality of building sites to allow users to access their service information, enable users to place online service requests, access work orders, service histories, service contract details and otherwise oversee service activities efficiently.

Because *Ruben* alone or in combination with *Pianin* fails to disclose a computer implemented method and a system for providing service information about a plurality of building site that includes a web portal comprising a database for storing service information about a plurality of building sites, these references alone or in combination cannot establish a *prima facie* case obviousness. For at least these reasons, Applicants submit that the claims 10 to 34 are patentable and in condition for allowance. Applicants respectfully request withdrawal and reconsideration of the pending rejections.

For the foregoing reasons, Applicant respectfully requests withdrawal of the pending rejections and submits that the above-identified patent application is now in condition for allowance and earnestly solicits reconsideration of same. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting prosecution of this application.

Respectfully submitted,

Dated: **January 22, 2009**

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